

Arlington Conservation Commission
Minutes
May 18, 2017

Mr. Stevens called the meeting to order at 7:30 p.m. in the second floor conference room, of the Town Hall Annex. Present were Chair Nathaniel Stevens, Commission Members David White, Mike Nonni, Curt Connors, Susan Chapnick and Charles Tirone. Also present were Associate Member Catherine Garnett and Administrator Eileen Coleman. Member Janine White was not present. Also present were Marcelle van Schoor and Bruce Wheltle.

7:30pm – Commission Business:

Chapnick/Tirone motioned to approve the April 27, 2017, minutes with edits; motion passed unanimously. Ms. Garnett requested additional changes. Connors/Nonni motioned to re-approve the April 27, 2017, minutes with edits; motion passed unanimously.

Connors/Tirone motioned to approve the May 4, 2017, minutes with edits; motion passed unanimously.

Tirone/Nonni motioned to approve the April 6, 2017, executive session minutes with edits, motion passed unanimously.

DWhite/Tirone motioned to approve the May 4, 2017, executive session minutes with edits, motion passed unanimously.

Ms. Coleman to recirculate the draft executive session minutes from Feb 2017.

7:45 pm **Notice of Intent** - 88 Coolidge Road cont'd from 5/4/17 (DEP #91-0278)

Tirone/DWhite moved to approve the Applicant's request for continuance to June 15, 2017. Motion passed unanimously.

McClennen Park RFP

Ms. Chapnick described a proposal she has received from Jerome Cura of the Woods Hole Group, Inc. who is an ecological risk-assessor and LSP. Tom Briggs at GZA is too busy to pursue this work so only one proposal has been received. Ms. Chapnick conferred with the rest of the Waterbodies Group and Mr. Stevens and they agreed this project could be sole sourced. Other Commissioners concurred.

Ms. Chapnick provided Mr. Cura with the full report produced by Brown and Caldwell and with additional information by phone. Mr. Cura indicated that he cannot make a statement of no human health risk as Brown and Caldwell had not looked at the dermal pathway. He can have a human health risk assessor at Woods Hole go over the report and determine if human health risk can be determined based on the information provided. Mr. Cura would also do a Stage 1 Risk Assessment with a little more sampling, requiring a site visit. From that he will be able to determine if a Stage 2 Assessment is required or not. He will provide his report as a draft initially.

DWhite/Connors moved to approve the proposal with discussed amendments. Motion passed unanimously.

Ms. Chapnick will provide a letter for Ms. Coleman to be forwarded to Teresa DeBenedictis of DPW and will email commission members with proposed dates for a site visit. Mr. White will alert Ms. DeBenedictis to expect said notification.

8:00 pm **Request for Determination of Applicability** – 53 Beverly Road

Documents used at meeting included:

RDA dated April 27, 2017, including photographs, flood maps and property deed and a Conservation Plan produced and stamped by Rober Survey.

Applicant Marcelle van Schoor described her plan to extend by 6 feet the existing deck on the second floor. She explained that the yard at that location is pretty uneven and is and will remain as lawn. The deck will be made of ipe which is a hard, heavy tropical wood. Four posts are shown in the plan, these will be hand-dug and the plan shows them at 56 feet from the water. The rest of the yard will be untouched and no machinery will be used.

Mr. Tirone asked about stockpiling material and if Ms. Van Schoor would be comfortable with a condition stating that enclosing the area in the future is not acceptable. Ms. Van Schoor said materials would be stockpiled on the other side of the house in the driveway and that she is agreeable to a condition that the area under the deck cannot be enclosed.

Tirone/Connors made a motion to issue a Determination of Applicability accepting that the project is in the Arlington Conservation Commission's jurisdiction but is unlikely to impact the resource area subject to protection under the Wetlands Act so no Notice of Intent has to be filed. The motion passed unanimously.

The Commission members present signed the signature sheet of the Determination of Applicability and Ms. Coleman will issue with the following conditions:

No materials shall be stockpiled closer to the lake than the 15' contour line,

Posts shall be hand-dug,

The area under the deck shall not be enclosed in the future.

8:15 pm **Spy Pond Project and LWCF Grant Application** –Cathy Garnett

Ms. Garnett informed the Commission members that the EOEa has recommended that the National Park Service approve the Land and Water Conservation fund grant application Ms. Garnett submitted for the Spy Pond Project. The \$40k award will be in addition to CPA funds already secured (the CPA funds will serve as the required \$40K match). She believes there are sufficient funds to hire an accessibility expert and possibly for providing some accessibility to the water. Mr. Tirone added that Jim Feeney, Assistant Town Manager, has promised to provide ADA-compliant access and he underlined the need to provide sufficient contingency money. He also pointed out that the Planning Department won approval to hire a full time Environmental Planner at Town Meeting. Chester Engineering provided a graphic at no charge to assist with this additional requested information.

Ms. Garnett explained that for now Nat Strosberg is valiantly trying to help with the next phase of the work. He is drafting an RFP to hire a consultant. Ms. Garnett provided Mr. Strosberg with a draft RFP for assistance in writing this RFP, which details required materials for 25% up to 100% construction document preparation, and a sample Town of Arlington RFP used for Cooke's Hollow. Once Ms. Garnett approves the RFP, Jim Feeney will issue it. Mr. Strosberg will meet with the DPW, Purchasing Manager Dominic Lanzillotti and Jim Feeney while Ms. Garnett is away. It is hoped that the Consultant will be under contract by July 1, 2017.

Ms. Garnett will be away until June 6 and again from June 11 to 24, 2017.

Zoning Recodification

Ms. Garnett, as part of the Zoning Recodification Working Group, had been asked to review the proposed draft Recodification of the zoning bylaws. She circulated it to the ACC members and received comments back from several. Some of the issues Ms. Garnett identified are the Environmental Design Review, which is confusing. Other sections that elicited discussion referred to stormwater, differences in no-build zones and contradictory no-fill instructions. The wording regarding flood mapping also needs to be clarified.

Ms. Garnett will ask Laura Wiener in what format Mr. Connors, who is attending the next group meeting on May 23, 2017, should provide the ACC comments. Ms. Wiener will consolidate comments from the various boards and commissions invited to review the Zoning Recodification proposal and will submit them to the Consultant by May 26, 2017.

The Consultant will provide a second draft in June. This will be reviewed once more and a

Public Meeting will be held on July 13, 2017.

12 Clyde Road (DEP #91-0274)

Documents used at meeting included:

Landscape Plan, revised by Keenan Survey on May 4 and provided on May 18, 2017

Ms. Coleman provided copies of a revised Landscape Plan that she had recently received from the Plaintiff's-Applicant's wetland consultant. The Commission compared it to what was discussed previously. The members confirmed that the footprint had had been shrunk so as to move the building back one additional foot from the water. Mr. Tirone asked if detail about the patio and markers would be included in the new NOI. Mr. Stevens thought it would be. He will alert Town Counsel Doug Heim that the ACC is satisfied that the Landscaping Plan received on May 16, 2017, represents the features and conditions discussed at the May 4, 2017, meeting. Ms. Coleman is to ascertain where to obtain the "No dumping, including yard waste" signs. They might be with the white Conservation Commission medallions.

Miscellaneous

Mr. Nonni updated the members present that the plantings and raised beds have been installed at Magnolia Field and are looking good. A picnic bench is being provided by the Boy Scouts.

Mr. Bruce Wheltle asked as to the status of appeals for 47 Spy Pond Parkway. Mr. Stevens responded that while the Applicant appealed under the Wetlands Protection Act and received a permit from DEP to do the work, there is no indication that the Applicant challenged the Commission' decision under the Bylaw as the Commission has not been served with a summons and court complaint; the 60-day deadline to appeal under the bylaw has passed, as has the 90-day deadline for serving the summons and complaint

Meeting adjourned at 9:05pm.

Respectfully submitted,

Eileen Coleman,

Temporary Conservation Administrator